

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARTIN TONY SOLOMON,

Plaintiff,

v.

Case No. 2:07-cv-102
HON. R. ALLAN EDGAR

PATRICIA CARUSO, et al.,

Defendants.

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on July 31, 2009. The Report and Recommendation was duly served on the parties. The Court has received objections from plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff claims his factual evidence was ignored and he supported his retaliation claim. Further, plaintiff asserts that defendants committed perjury and critical discovery was denied by the Magistrate Judge.

Plaintiff has not addressed the recommendation that defendants Perry, Case, Armstrong, Brown, Mansfield, Spiker, Kinarz and Bennett lack personal involvement. These defendants shall be dismissed.

Further, plaintiff has not shown that the misconduct tickets he received for being out of place were not justified. Plaintiff has not supported his retaliation claims with any factual evidence that rebuts defendants' motions for summary judgment. Although, plaintiff asserts that he was denied discovery, plaintiff has not explained how the discovery he sought could rebut defendants' motions for summary judgment.

Plaintiff similarly cannot support his due process claim or show that this claim was timely filed.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #95) is approved and adopted as the opinion of the Court. Defendants' motions for summary judgment (Docket #44 and #87) are granted and this case will be dismissed.

IT IS FURTHER ORDERED that the Court can discern no good-faith basis for an appeal. Accordingly, an appeal of this action would not be taken in good faith.

Dated: 9/22/09

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE